

IN THE DRAWINGS

Please amend FIG. 2 to set forth "OPEN HERE" in a corner section of a sealing flap. A replace sheet containing this change is attached.

REMARKS

In response to the Examiner's objection to the drawings, Applicant is submitting a replacement sheet one containing the indicia "OPEN HERE" in a corner section of a sealing flap in FIG. 2.

The Examiner's rejection of claims 1, 11, 13, and 22 under 35 U.S.C. §103(a) for being unpatentable over the Kent et al. U.S. Patent No. 5,505,376, as this rejection may be attempted to be applied against the amended claims 1, 11, 13 and 22 is respectfully traversed.

It support of this traverse it is noted that Kent et al. calls for a thread, string or flexible line member which is fixed inside an envelope and which is pulled to open the envelope. Claims 1 and 11 now call for opening an envelope by:

pulling on an edge of a corner section of a sealing flap having a legend or indicia to create an opening in a sealed envelope where a finger or tool can be inserted to open the envelope along a line of perforations at or adjacent a fold line without the use of a string, thread or flexible line member.

Support for this amendment to claims 1 and 11 is found in the 4th and 5th paragraphs on page 10. Note that Kent et al. calls for a thread, string or flexible line member in all embodiments disclosed in Kent et al. and in all the claims in Kent et al. There is no teaching, suggestion, direction or motivation in Kent et al. to modify Kent et al. to omit the thread, string or flexible line member. The provision of the thread, string or flexible line member is the essence of the Kent et al. invention. Likewise, it is the essence of applicant's invention to provide for opening of an envelope by:

pulling on an edge of a corner section of a sealing flap having a legend or indicia to create an opening in a sealed envelope where a finger or tool can be inserted to open the envelope along a line of perforations at or adjacent a fold line without the use of a string, thread or flexible line member.

Further, a rejection under 35 USC § 103 based on only one reference has been frowned upon and such a rejection can only be sustained if there is some teaching, suggestion, motivation incentive or direction in the reference to modify the reference to somehow come up with the applicant's claimed invention. See Ex Parte Chicago Rawhide, 223 USPQ 351 and 226 USPQ 438 where the Board of Pat. App. & Int. stated:

“The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of the appellant’s specification, to make the necessary changes in the reference device. The Examiner has not presented any evidence to support the conclusion that a worker in this art would have had any motivation to make the necessary changes in the Banney device to render the here claimed device unpatentable.”

Since Kent et al. teaches away from applicant’s invention, there clearly is no teaching, suggestion, motivation or direction in Kent et al. to modify Kent et al. to somehow come up with applicant’s claimed invention. See also KSR International Co. v. Teleflex Inc., (CAFC Jan. 6, 2005), 119 Fed. Appx. 282, 2005 U.S. App. LEXIS 176.

Furthermore, the fact that applicant’s invention in an envelope structure is simple, does not negate its patentability. In fact, the simplicity of applicant’s envelope structure, supports its patentability.

The Examiner’s rejections of claims 3 and 21 under 35 U.S.C. §103(a) for being unpatentable over the Kent et al. U.S. Patent No. 5,505,37 and the Sung et al. U.S. Patent No. 5,570, 835, as this rejection may be attempted to be applied against the amended claims, is respectfully traversed.

As pointed out above, Kent et al. does not teach or suggest applicant’s claimed easy open, reusable envelope having a transverse line of perforations extending from an outer free edge of a sealing flap to a fold line between the sealing flap and a front panel, the sealing flap or the front panel having a line of perforations at or adjacent the fold line extending parallel to a strip of adhesive from the corner section to a free side edge of the envelope opposite the corner section whereby, once the sealing flap is sealed by the strip of adhesive material to a back panel, the sealed envelope easily can be opened, without the use of a string, thread or flexible line member, by pulling on an edge of the corner section of the sealing flap having the legend or indicia to create an opening in the sealed envelope where a finger or tool can be inserted to open the envelope along the line of perforations at or adjacent the fold line.

While Sung et al. discloses legends on different portions of an envelope, Sung et al. does not disclose or suggest Applicant's specific line of perforations at or adjacent a fold line.

The allowance of claims 4-10 and 14-20 is noted.

In summary, Applicant submits that the references cited by the Examiner do not teach a sealing flap or front panel having a line of perforations at or adjacent a fold line between the sealing flap and the front panel extending parallel to a strip of adhesive from a corner section of the sealing flap to a free side edge of the envelope opposite the corner section and a transverse line of perforations extending from an outer free edge of the sealing flap to the fold line between the sealing flap and the front panel for permitting opening of the envelope, without the use of a string, thread or flexible line member, by pulling on an edge of the corner section of the sealing flap having a legend or indicia thereon to create an opening in the sealed envelope where a finger or tool can be inserted to open the envelope along the line of perforations at or adjacent the fold line as now called for in amended claims 1 and 11.

Applicant submits that all the claims are now in condition for allowance and an early and favorable action to that end is requested.

Respectfully submitted,

WELSH & KATZ, LTD.

By: Thomas R. Vigil
Thomas R. Vigil
Reg. No. 24,542
Attorney for Applicant

Dated: August 24, 2006

120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606-3912
Tel: 312-655-1500
Fax: 312-655-1501